

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4676 of 2007()

CRIME NO.211 OF 2007 OF KAREELAKULANGARA POLICE STATION

: PETITIONERS

1. ANILKUMAR, MAPPOTTIL VEEDU,
MUTTOM P.O., HARIPAD.
2. ABHILASH, MAPPOTTIL VEEDU, MUTTOM PO,
HARIPAD.
3. JAYAKUMAR, KALEEKKAL KIZHAKKATHIL,
MUTTOM PO, HARIPAD.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS:

1. STATE OF KERALA PREPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
KAREELAKULANGARA POLICE STATION,
KAREELAKULANGARA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.4676 of 2007

Dated this the 13th day of August, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1 to 3. Altogether there are only 3 accused persons. All other offences alleged against them are now bailable. Though initially allegations under Section 452 I.P.C was raised that allegation has since been withdrawn and report has been filed to include the allegation under Section 308 I.P.C. The crux of the allegations is that the injured persons were attacked with an iron rod.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent and the allegation under Section 308 I.P.C has later been included with the transparent intention of vexing and harassing the petitioners. The said allegation only reveals the prejudice of the police and is not justifiable objectively. The learned counsel for the petitioners has taken me through the nature of the allegations raised. The learned Public Prosecutor took time to explain the nature of the injury suffered by the victims, 2 in number. The nature of the injuries has already been read over to me.

3. After considering all the relevant circumstances, I am of the opinion that the petitioners in this case are certainly entitled to be

granted anticipatory bail. In coming to this conclusion, I take note of the fact that initially no allegation under Section 308 I.P.C was raised. I also take note of the nature of injuries described in the wound certificates which have been read over to me by the learned Public Prosecutor. I am satisfied that subject to appropriate safeguards, directions under Section 438 Cr.P.C can be issued in favour of the petitioners.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 20.08.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 21.08.2007 & 22.08.07. During this period, the investigator shall be entitled to interrogate the petitioners in custody;

iii) Thereafter the petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and

subsequently as and when directed by the Investigating Officer in writing to do so;

iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 20.08.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 20.08.07.

(R.BASANT, JUDGE)

rtr/-